

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

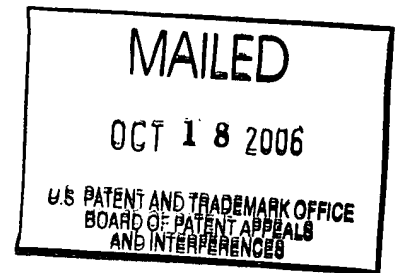
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SWAIN W. PORTER

Appeal No. 2006-2505
Application No. 09/452,328

ON BRIEF



Before BARRY, MACDONALD, and HOMERE, **Administrative Patent Judges.**

HOMERE, **Administrative Patent Judge.**

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1 through 42, all of which are pending in this application.

We affirm.

INVENTION

Appellant's invention relates generally to an automated method in a client system for assisting a user in retrieving and browsing information. In response a user's input of a keyword in a search engine (284) to request information, a first information page (108) having a first content information is retrieved from an augmented database (104) (including a related keyword database (292) and a related information source database (294), and the retrieved information is displayed on the user's browser (100). The first content in the first information page (108) is then augmented with information source identifiers (106) identifying corresponding information pages having corresponding contents that may be additionally retrieved.

Claim 1 is representative of the claimed invention and is reproduced as follows:

1. In a client system, an automated method for assisting a user of the client system in retrieving and browsing information, the method comprising:

retrieving and displaying on a display of the client system for browsing, a first information page having first contents, responsive to user direction, and

automatically assembling and augmenting the first information page being browsed with one or more information source identifiers directly identifying one or more information pages with second contents that may be additionally retrieved, based at least in part on a portion of the content of said first information page, the second contents directly augmenting the first content.

REFERENCES

The Examiner relies on the following references:

Rubinstein et al. (Rubinstein)	5,913,215	June 15, 1999
Finseth et al. (Finseth)	6,271,840	Aug. 7, 2001 (Filed on Sept. 28, 1998)
Niemi	6,415,294	July 2, 2002 (Filed on Feb. 16, 1999)

REJECTIONS AT ISSUE

A. Claims 1, 2, 6 through 11, 18, 21, 22, 25 through 27, 30 through 32, 35 through 37 and 39 through 41 stand rejected under 35 U.S.C. § 102 as being anticipated by Niemi.

B. Claims 3 through 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Niemi and Rubinstein.

C. Claims 12 through 17, 19, 20, 23, 24, 28, 29, 33, 34, 38 and 42 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Niemi and Finseth.

Rather than reiterate the arguments of Appellant and the Examiner, the opinion refers to respective details in the Briefs¹ and the Examiner's Answer². Only those arguments actually made by Appellant have been considered in this decision.

¹ Appellant filed an Appeal Brief on Oct. 14, 2004. Appellant filed a Reply Brief on July 8, 2005.

² The Examiner mailed an Examiner's Answer on May 6, 2005. The Examiner mailed an office

Arguments that Appellant could have made but chose not to make in the Briefs have not been taken into consideration. See 37 CFR 41.37(c)(1) (vii)(eff. Sept. 13, 2004).

OPINION

In reaching our decision in this appeal, we have carefully considered the subject matter on appeal, the Examiner's rejections, the arguments in support of the rejections and the evidence of anticipation and obviousness relied upon by the Examiner as support for the rejections. We have, likewise, reviewed and taken into consideration Appellant's arguments set forth in the Briefs along with the Examiner's rationale in support of the rejections and arguments in the rebuttal set forth in the Examiner's Answer.

After full consideration of the record before us, we agree with the Examiner that claims 1, 2, 6 through 11, 18 21, 22, 25 through 27, 30 through 32, 35 through 37 and 39 through 41 are properly rejected under 35 U.S.C. § 102 as being anticipated by Niemi. We also agree with the Examiner that claims 3 through 5 are properly rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Niemi and Rubinstein. Additionally, we agree with the Examiner that claims 12 through 17, 19, 20, 23, 24, 28, 29, 33, 34, 38 and 42 are properly rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Niemi and Finseth. Accordingly, we affirm the Examiner's rejections of claims 1 through 42 for

the reasons provided in the Examiner's Answer, as further expanded upon in this opinion, and for the reasons set forth *infra*.

I. Under 35 U.S.C. § 102(e), is the Rejection of claims 1, 2, 6 through 11, 18, 21, 22, 25 through 27, 30 through 32, 35 through 37 and 39 through 41 as Being Anticipated By Niemi Proper?

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. **See *In re King***, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and ***Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.***, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

With respect to representative claim 1, Appellant argues in the Appeal and Reply Briefs that the Niemi reference does not disclose the use of source identifiers that identify information pages with second contents that directly augment the first content displayed in the retrieved information page. Particularly, at pages 5 and 6 of the Appeal Brief, Appellant states:

Under Niemi's scheme, the Internet keyword of the original information page is augmented with the query "http:// ...word=29329 (stands for Internet) ...". An answer page containing e.g. Answer Page {first link to Doc A {first info on Internet..}, Second Link to Doc B {Second link to Doc B {Second info on Internet ...}}

is returned on selection of the query. Note that the answer page does not contain any content on the Internet that directly augment the content

"Internet" of the original information page. Doc A {First info on Internet...} (containing information about the Internet) is displayed only on a subsequent selection of 'First link to Doc A' against the answer page by the user.

Since the answer page merely contains links to documents with content that directly augments the original information page, the answer page does not contain content that directly augments the content of the original information page. It follows then, the answer page is not identical to the required augmenting information page of the independent claims.

Similarly since the query merely result in an answer page, that is not equivalent to the required augmenting information page. It does not directly points to the required augmenting information page. It follows then, it is not identical to the required information page identifier.

To determine whether claim 1 is anticipated, we must first determine the scope of the claims. We note that representative claim 1 reads in part as follows:

[A]utomatically assembling and augmenting the first information page being browsed with one or more information source identifiers directly identifying one or more information pages with second contents that may be additionally retrieved, based at least in part on a portion of the content of said first information page, the second contents directly augmenting the first content.

At page 6, lines 2 through 12, Appellant's specification state, the following:

As illustrated, in accordance with the present invention, browser **100** is augmented with a number of functions **102** and databases **104** to provide dynamic content based assistance to a user to retrieve and browser information pages. More specifically, functions **102** and databases **104** enable browser **100** to facilitate augmented provision of number of dynamically assembled other information source identifiers **108** based at least in part on dynamically determined contents of information page **108**. (The display of information page **108** is intended to represent a broad range of informational units known in the art, including but not limited to information "documents" formed using mark-up languages, such as HTML and XML.

Thus, representative claim 1 does require the use of source identifiers that identify information pages with second contents that directly augment the first contents displayed in the retrieved information page.

Now, the question before us is what Niemi would have taught to one of ordinary skill in the art? To answer this question, we find the following facts:

At column 4, line 66 through column 5, line 17, Niemi states the following:

Returning now to the downloaded Web page temporarily stored in the memory block 11, it will be appreciated that this page is typically in HTML

format and is likely to contain several portions of text. This text is extracted by a text analysis function 13, and the word table stored in the database 12 is updated on the basis of the extracted text. The document table is similarly updated. On the basis of the updated word table, the keyword list is refined (and the keyword flags set accordingly).

The text analysis function 13 then scans the text contained in the downloaded Web page to identify keywords present therein. When a keyword is identified, the function 13 modifies the HTML code held in the buffer "on-the-fly", to introduce an associated hyper-link (the function of which is explained below). The following HTML listing shows a downloaded Web page which contains the keywords "TeamWARE".TM., "Internet", "desktop", and "agents", and in which added hyper-links are shown underlined (this page did not contain any original hyper-links).

At column 6, lines 33 through 58, Niemi state, the following:

After modification of the HTML code on-the-fly, the Web page is returned from the memory block 11 to the Web browser 5 via the memory control function 10 and the server 9. FIG. 2 shows the Web page corresponding to the above code as displayed by the Web browser 5. The added hyper-links are shown underlined, although it will be appreciated (from the above code) that when displayed in colour these will appear green.

Assume now that the user wishes to locate documents which are related to the downloaded page, and in particular are related by way of the keyword "Internet". By clicking on one of the "Internet" hyper-links added to the Web page, the user causes the Web browser 5 to request from the server 9 (acting as Web server) the contents of the URL "http://niemi_terho/page-62/word-29329/default". The "default" identifier contained in this URL causes the Web server 9 to launch an application 14 termed a Dynamic Linkable Library (DLL) which links the Web server 9 to the database 12.

The URL word identifier, in this case "word-29329", identifies to the database 12 the keyword "Internet" in the word table, whilst the page identifier, "page-62", identifies the source document, i.e. the downloaded Web page, in the document table. The database 12 first of all identifies all of the documents identified therein which contain the keyword "Internet".

With the above discussion in mind, we find that with regard to representative claim 1, the Niemi reference teaches a method for allowing a user to retrieve a desired piece of information by downloading from a server a webpage with related links. Particularly, Niemi teaches that upon inputting a keyword in a search engine, the user may locate a desired document in a first webpage, which includes the user-inputted keyword, as well as other related keywords. Niemi further teaches that the related keywords that are downloaded with the first webpage may include hyperlinks that identify associated webpages to facilitate the user's retrieval of additional webpage(s) associated therewith. It is our view that one of ordinary skill in the art at the time of the present invention would have readily found that Niemi's teaching of hyperlinked keywords for retrieving additional documents in a downloaded first webpage amounts to augmenting the information in said first webpage. The ordinarily skilled artisan would have duly recognized that, as taught by Niemi, the content of the first webpage includes the user inputted keyword, as well as the hyperlinked keywords that serve as identifiers for additionally retrieving associated

documents having second contents. Thus, the ordinarily skilled artisan would be readily apprised of the fact that the second contents of the related documents are based in part on a portion of the first document since they are retrieved through the hyperlinked keywords, which are part of the first webpage. It follows that the ordinarily skilled artisan would have found that the second contents directly augment the first content. Consequently, we do not find error in the Examiner's stated position, which concludes that Niemi teaches the use of source identifiers that identify information pages with second contents that directly augment the first content displayed in the retrieved information page. It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to the ordinarily skilled artisan the invention as set forth in claims 1, 2, 6 through 11, 18 21, 22, 25 through 27, 30 through 32, 35 through 37 and 39 through 41. Accordingly, we will sustain the Examiner's rejection of 1, 2, 6 through 11, 18 21, 22, 25 through 27, 30 through 32, 35 through 37 and 39 through 41.

II. Under 35 U.S.C. § 103, is the Rejection of Claims 3 through 5 as being unpatentable the combination of Niemi and Rubinstein Proper?

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and argument."

Oetiker, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also

explain the reasoning by which the findings are deemed to support the agency's conclusion." **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

With respect to claims 3 through 5, Appellant argues in the Appeal Brief and the Reply Brief that the combination of Niemi and Rubinstein does not teach claimed invention. Particularly, Appellant asserts that Niemi does not teach the use of source identifiers that identify information pages with second contents that directly augment the first content displayed in the retrieved information page. We have already addressed this argument in the discussion of claim 1 above, and we disagree with Appellant. Further, Appellant argues that Rubenstein does not cure the deficiencies of Niemi. We find no such deficiencies in Niemi for Rubenstein to cure. It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to the ordinarily skilled artisan the invention as set forth in claims 3 through 5. Accordingly, we will sustain the Examiner's rejection of claims 3 through 5.

III. Under 35 U.S.C. § 103, is the Rejection of claims 12 through 17, 19, 20, 23, 24, 28, 29, 33, 34, 38 and 42 as being unpatentable over the combination of Niemi and Finseth Proper?

With respect to claims 12 through 17, 19, 20, 23, 24, 28, 29, 33, 34, 38 and 42, Appellant argues in the Appeal Brief and the Reply Brief that the combination of Niemi and Rubinstein does not teach claimed invention. Particularly, Appellant

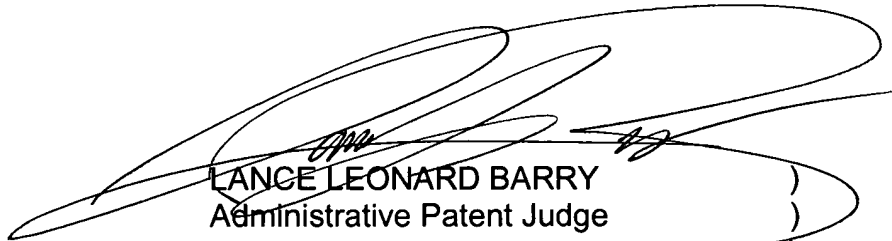
asserts that Niemi does not teach the use of source identifiers that identify information pages with second contents that directly augment the first content displayed in the retrieved information page. We have already addressed this argument in the discussion of claim 1 above, and we disagree with Appellant. Further, Appellant argues that Finseth does not cure the deficiencies of Niemi. We find no such deficiencies in Niemi for Finseth to cure. It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to the ordinarily skilled artisan the invention as set forth in claims 12 through 17, 19, 20, 23, 24, 28, 29, 33, 34, 38 and 42. Accordingly, we will sustain the Examiner's rejection of claims 12 through 17, 19, 20, 23, 24, 28, 29, 33, 34, 38 and 42.

CONCLUSION


In view of the foregoing discussion, we have sustained the Examiner's decision rejecting claims 1, 2, 6 through 11, 18 21, 22, 25 through 27, 30 through 32, 35 through 37 and 39 through 41 under 35 U.S.C. § 102. We have also sustained the Examiner's decision rejecting claims 3 through 5, 12 through 17, 19, 20, 23, 24, 28, 29, 33, 34, 38 and 42 under 35 U.S.C. § 103. Therefore, we affirm.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).


AFFIRMED



LANCE LEONARD BARRY
Administrative Patent Judge



ALLEN R. MACDONALD
Administrative Patent Judge



JEAN R. HOMERE
Administrative Patent Judge

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